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### REMARKS

Claims 8-10 and 18-20 are pending in the present application. By this amendment, Claims 1-7 and 10-17 have been canceled without prejudice or disclaimer as being drawn to a non-elected invention. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks.

#### I. FORMAL MATTERS

##### Objections to the Drawings

The drawings were objected to as allegedly not showing every feature of the invention specified in the claims. Specifically, the Examiner alleges that the feature "the perimeter of said opening of said second fitment apparatus is not equal to the perimeter of said opening of said first fitment apparatus" is not shown in the drawings. This objection is respectfully traversed.

Applicants' claimed invention includes an interchangeable fitment system. The system may include two separate fitment apparatuses having different perimeters, but wherein both may be used with the same interface. As such, in many instances, the only main difference between the two fitment apparatuses is the size of the opening, with the structure of the two fitment apparatuses being substantially the same. As such, Figures 1-3, 5, 6a and 6b all may be said to show a first fitment apparatus, a second fitment apparatus or both, with the only main difference being the size of the opening. As such, Figures 1-3, 5, 6a and 6b all may be said to show the feature that "the perimeter of said opening of said second fitment apparatus is not equal to the perimeter of said opening of said first fitment apparatus". Additionally, as a difference in size is not something that may be shown in drawings absent specific measurements, Applicants respectfully submit that the current drawings do show every feature, especially as read in conjunction with the specification. As stated, any of Figures 1-3, 5, 6a and 6b may be said to show either the first fitment apparatus or the second fitment apparatus. The specification, as read by one of ordinary skill in the art, teaches that the size of the opening is different. As such, one of ordinary skill in the art would know to simply make the opening of the second fitment apparatus bigger or smaller than the opening of the first fitment apparatus.

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Accordingly, Applicants respectfully submit that the drawings, as filed, do show each element of the invention as claimed when read in conjunction with the specification. As such, Applicants respectfully request withdrawal of this objection.

## II. PRIOR ART REJECTIONS

### Claim Rejections Under 35 U.S.C. §102 (b)

Claims 8-10 stand rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 4,635,814 to Jones (hereafter "Jones"). This rejection is respectfully traversed.

Claim 8 provides, *inter alia*, an interchangeable fitment system, including a container; and an interface detachably engaged to said container, wherein said interface has a notch having predetermined dimensions for receiving a first fitment apparatus and a second fitment apparatus, said first fitment apparatus having an opening corresponding to said predetermined dimensions and said second fitment apparatus having an opening corresponding to said predetermined dimensions, wherein the perimeter of said opening of said second fitment apparatus is not equal to the perimeter of said opening of said first fitment apparatus.

Jones provides a lined receptacle. According to the Examiner, element 13 of Jones is a detachable interface and Figures 1-3 and 6 show all elements of Applicants' claimed invention.

It is respectfully submitted that Jones fails to teach or suggest Applicants' claimed invention. Element 13 is the top end wall (col. 4, line 13) and, as such, does not teach or suggest a detachable interface. Figures 1 and 2 show a container and a liner used in the container, respectively. The liner is secured to the container using two glands 44. The glands each include an opening 15, although the openings are not taught or suggested as being different in size. A venting opening 17 may be included that can accommodate a plug. The openings in the glands may accommodate a plug 70.

Accordingly, it is respectfully submitted that Jones fails to teach or suggest Applicants' claimed invention. While Jones may be said to teach a container, Jones fails to teach or suggest an interface having predetermined dimensions and capable of receiving two separate fitment apparatuses, with the fitment apparatuses having different-sized openings. At best, Jones teaches a container and/or liner having openings that are plugged completely and do not teach or suggest plugs having an opening, much less different-sized openings, a fact acknowledged by the

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Examiner on page 3 of the Office Action mailed December 31, 2003. As such, Jones fails to teach or suggest Applicants' claimed invention.

For at least the reasons given above, Applicants respectfully submit that Claim 8 is allowable over the prior art of record. Furthermore, as Claim 9-10 recite additional claim features and depend from Claim 8, these claims are also allowable over the prior art of record.

*Claim Rejections Under 35 U.S.C. §103 (a)*

Claims 18-20 stand rejected under 35 U.S.C. §103 (a) as being obvious over Jones in view of U.S. Patent No. 4,930,661 to Voorhies (hereafter "Voorhies"). This rejection is respectfully traversed.

Claim 18 provides, *inter alia*, a method of providing an interchangeable fitment system, including the steps of providing a container; providing an interface, wherein the interface has a notch having predetermined dimensions; detachably securing the interface to the container; providing a first fitment apparatus having an opening corresponding to the predetermined dimensions; providing a second fitment apparatus having an opening corresponding to the predetermined dimensions, wherein the perimeter of the opening of the second fitment apparatus is not equal to the perimeter of the opening of the first fitment apparatus; and interchangeably connecting the first fitment apparatus and the second fitment apparatus to the interface.

Applicants' description of Jones may be relied upon as above.

Voorhies provides a shipping container. According to the Examiner, Voorhies teaches a container having two fitments that have a different diameter.

It is respectfully submitted that the combination of Jones and Voorhies fails to teach or suggest Applicants' claimed invention. As stated previously, and as acknowledged by the Examiner, Jones fails to teach or suggest an interface that is capable of receiving two separate fitment apparatuses, with the fitment apparatuses having different-sized openings. Voorhies fails to remedy this deficiency and, as such, the combination of Jones and Voorhies fails to teach or suggest Applicants' claimed invention. According to the Examiner, Voorhies teaches two fitments and refers to Figures 1 and 4. Presumably, the Examiner is relying on discharge opening 28 having discharge fitting 34 and opening 26 with top cap 32 (shown as 36) in Figure 1, and discharge opening 128 having discharge fitting 134 with opening 126 and top cap 136 in

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Figure 4. As there is no teaching or suggestion of using different-sized discharge fittings 34 or 134 in the same discharge openings 28 and 128, respectively, and as the Figures do not support such a teaching, Voorhies cannot be said to teach or suggest a single interface that is capable of receiving two separate filament apparatuses, with the filament apparatuses having different-sized openings.

Therefore, as Jones simply teaches a container having two holes and no filament apparatuses, and as Voorhies simply teaches a container having a single filament apparatus, the combination of Jones and Voorhies fails to teach or suggest a container having an interface and two separate filament apparatuses, with the filament apparatuses each having different-sized openings. As such, the combination of Jones and Voorhies fails to teach or suggest Applicants' claimed invention.

For at least the reasons given above, Applicants respectfully submit that Claim 18 is allowable over the prior art of record. Furthermore, as Claim 19-20 recite additional claim features and depend from Claim 8, these claims are also allowable over the prior art of record.

### **III. CONCLUSION**

For at least the reasons given above, Applicants submit that Claims 8-10 and 18-20 define patentable subject matter. Accordingly, Applicants respectfully request allowance of these claims.

The foregoing is submitted as a full and complete Response to the Office Action mailed December 31, 2003, and early and favorable consideration of the claims is requested.

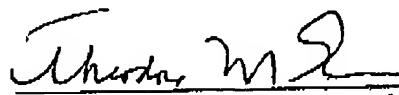
Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact Applicant's representative at the telephone number listed below.

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No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0951.

Respectfully submitted,

Date: 3/30/04



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